IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:23-CV-1206-D

CARLOS A. ALFORD,)	
Plaintiff,)	
v.)	ORDER
ASHLEY WHITE HARRIS,)	
Defendant.)	

On August 3, 2023, Carlos A. Alford ("Alford," or "plaintiff"), filed a <u>pro se</u> motion to proceed in forma pauperis [D.E. 2]. On August 14, 2023, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Judge Robert B. Jones, Jr. for a Memorandum and Recommendation ("M&R") and for a frivolity review [D.E. 4]. On October 23, 2023, Judge Jones issued an M&R recommending that the court grant the motion to proceed in forma pauperis and that the court dismiss the action without prejudice [D.E. 5].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); <u>see 28 U.S.C.</u> § 636(b)(1). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. <u>See id.</u> at 315–16; <u>Wells v. Shriners Hosp.</u>, 109 F.3d 198, 201 (4th Cir. 1997). In "order to preserve for appeal

an issue in a magistrate judge's report, a party must object to the finding or recommendation on that

issue with sufficient specificity so as reasonably to alert the district court of the true ground for the

objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United

States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Alford did not object to the M&R; therefore, the court reviews for clear error. See Diamond,

416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error on the

face of the record. See id.

In sum, the court GRANTS plaintiff's motion to proceed in forma pauperis [D.E. 2],

ADOPTS the conclusions in the M&R [D.E. 5], and DISMISSES WITHOUT PREJUDICE

plaintiff's complaint.

SO ORDERED. This 27 day of November, 2023.

JAMES C. DEVER III

United States District Judge